

**UNITED STATES DISTRICT COURCIT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION**

**TENNESSEE RIVERKEEPER, INC.,)
Plaintiff,)
vs.)
CITY of MANCHESTER, TENNESSEE,)
Defendant.) JURY TRIAL DEMANDED**

COMPLAINT

The Plaintiff, Tennessee Riverkeeper, states as follows:

NATURE OF THE CASE

1. This is a citizen's suit, brought pursuant to the provisions of Section 505(a)(1) of the Federal Water Pollution Control Act, also known as the Clean Water Act (hereinafter "CWA"), as amended, 33 U.S.C. § 1365(a)(1), to address violations of the CWA by Defendant, City of Manchester, Tennessee ("Manchester"), arising out of illegal discharges of pollutants from the Manchester Sewage Treatment Plant located at Manchester, Coffee County, Tennessee.

2. Defendant Manchester is in violation of sections 301 and 402 of the CWA (33 U.S.C. §§1311 and 1342) and sections 122.1, *et sec.*, of Title 40 of the Code of Federal Regulations. These laws require that no facility shall discharge pollutants to waters of the United States or waters of the state except as authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES").

3. Manchester is violating provisions of its NPDES permit by operating its sewage treatment plant in a manner that discharges pollutants to the waters of the United States and waters of the state due to its failure to operate its collection system so as to avoid overflows. Riverkeeper seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of litigation costs, including attorney and expert witness fees, for Defendant Manchester's repeated and ongoing violations of the CWA.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the CWA claims set forth in this Complaint by virtue of Section 505(a)(1) of the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. § 1365(a)(1). Subject matter jurisdiction is also proper pursuant to 28 U.S.C. § 1331 (Federal question).

5. Venue is appropriate in the Winchester Division, Eastern District of Tennessee pursuant to 33 U.S.C. § 1365(c)(1) and because the acts, omissions, and/or violations complained of herein occurred, and continues to occur, within Coffee County of the Eastern District of Tennessee.

NOTICE

6. Tennessee Riverkeeper ("Riverkeeper") has complied with the pre-suit notice provisions of the CWA. Pursuant to 33 U.S.C. § 1365(b)(1)(A), 40 C.F.R. Part 135, Riverkeeper, on March 10, 2020, gave Defendant Manchester notice of the violations alleged herein and its intent to sue after the expiration of sixty (60) days ("March Notice"). At the same time, Riverkeeper mailed a copy of the March Notice to the Administrator of the Environmental Protection Agency ("EPA"), the Regional Administrator of Region IV of the EPA, and the Commissioner of the Tennessee Department of Environment and Conservation ("TDEC"). Service of notice on Defendant was by

certified mail. More than 60 days have passed since the March Notice was served on Defendant and these agencies. The March Notice is attached hereto as Exhibit "A" and incorporated by reference herein.

7. Since Riverkeeper gave notice, the violations complained of have not ceased, and are ongoing. Neither the EPA nor the State of Tennessee has commenced and diligently prosecuted a civil or criminal enforcement action in a court of the United States or a state for the violations. Furthermore, prior to the March Notice, neither the EPA nor the State of Tennessee commenced and diligently prosecuted an administrative action under 33 U.S.C. §1319(g), or under a comparable Tennessee law, for the violations alleged herein. The State of Tennessee brought an administrative action, Case No. WPC12-0138, for violations occurring prior to the date of the filing of the action. The date of the filing of the action is unknown but, by the convention of the case number, it is believed to be in the year 2012. It was concluded with an Agreed Order on August 28, 2014. All violations alleged in this Complaint occurred subsequent to August 28, 2014 and are not barred by that administrative action.

8. Neither the EPA nor the state has issued a final order not subject to further judicial review and the Defendant has not paid a penalty assessed under 33 U.S.C. §1319(g), or under a comparable Tennessee law, for the violations.

9. Riverkeeper has mailed a copy of the Complaint to the Administrator of the EPA, the Regional Administrator of EPA Region 4, the Region in which the violations are alleged to have occurred, and the Attorney General of the United States.

PARTIES

10. Riverkeeper is a non-profit corporation formed in the State of Alabama and granted authority to operate in Tennessee by the Division of Business Services, State of Tennessee, as a nonprofit foreign corporation. Riverkeeper has approximately 3000 members, and is dedicated to the preservation, protection, and defense of the Tennessee and Cumberland Rivers and their tributaries. Riverkeeper actively supports effective enforcement and implementation of environmental laws, including the CWA, on behalf of and for the benefit of its members.

11. Members of Tennessee Riverkeeper have recreated in, on or near, or otherwise used and enjoyed, or attempted to use and enjoy, the Tennessee River (and its tributaries) in the past, and they intend to do so in the future. They have a direct and beneficial interest in the continued protection, preservation, and enhancement of the environmental, aesthetic, and recreational values in the Tennessee River and its tributaries. The quality of these waters directly affects the recreational, aesthetic, and environmental interests of certain members of Tennessee Riverkeeper. The recreational, aesthetic, and environmental interests of certain of Tennessee Riverkeeper's members have been, are being, and will be adversely affected by the Defendant's continued violation of the NPDES permit requirements, Tennessee NPDES rules, and the CWA as alleged in this complaint.

12. Defendant's illegal discharges enter the Duck River, a tributary of the Tennessee River. Members of Tennessee Riverkeeper now recreate less on the Duck River because of the Defendant's illegal discharges. The violations alleged herein have had a detrimental impact on those members' interests because the violations have adversely affected and/or diminished aquatic life and water quality in the Duck River and have made the Duck River less suitable for fishing,

boating, wading, walking, observing nature, or relaxing. Said members would recreate more in and around Duck River but for Defendant's illegal discharges of pollution. Riverkeeper's members will recreate more often in or near Duck River once the Defendant's illegal discharges cease.

13. Riverkeeper is a "citizen" within the meaning of 33 U.S.C. §§ 1365(g) and 1365(a).

14. Defendant, Manchester, is a Tennessee municipal corporation, within the Eastern District of Tennessee, with principal offices in Manchester, Tennessee. Manchester is the owner and operator of the Manchester Sewage Treatment Plant and is in control of the facility, including its collection system.

15. Defendant Manchester is a "person" within the meaning of 33 U.S.C. §§1362(5) and 1365(a)(1).

STATUTORY BACKGROUND

16. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a point source into waters of the United States unless the discharge is in compliance with various enumerated sections of the CWA. Among other things, Section 301(a) prohibits such discharges not authorized by, or in violation of the terms of, a National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

17. The State of Tennessee has been delegated the authority to implement the permitting programs of the Act by the EPA, including the NPDES permit program, pursuant to 33 U.S.C. § 1342(b). TDEC is the water pollution control agency for purposes of the Act, and has drafted regulations pursuant to that authority implementing the Act's permitting programs within the State of Tennessee.

18. A citizen suit, pursuant to 33 U.S.C. § 1365(a)(1), may be brought for violations of the terms and conditions of NPDES permits. 33 U.S.C. § 1365(f).

GENERAL ALLEGATIONS

19. This is an action for declaratory judgment, injunctive relief, civil penalties, and litigation costs, including reasonable attorney's and expert witness fees, to enforce provisions of the CWA, and regulations adopted pursuant to said act.

20. Manchester is in violation of sections 301 and 402 of the CWA (33 U.S.C. §§1311 and 1342) and sections 122.1, *et sec.*, of Title 40 of the Code of Federal Regulations. These laws require that no facility shall discharge pollutants to waters of the United States or waters of the state except as authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System.

21. Manchester was issued NPDES permit number TN0025038 ("NPDES Permit") which authorizes the permit holder to discharge treated municipal wastewater from Outfall 001, into the Duck River at mile 268.5, subject to stated discharge limitations and monitoring requirements.

22. All discharges must be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the NPDES Permit. Specifically, Section 2.3.3 of the NPDES Permit prohibits overflows and places a duty on the permit holder to avoid them. Any permit noncompliance constitutes a violation of applicable state and federal laws and is grounds for enforcement action. *See*, Permit §2.3.1. Manchester is subject to strict liability for any violations of its NPDES Permit.

23. As set forth in the March Notice, attached hereto as Exhibit "A" and incorporated by reference herein, and in Count One, below, Manchester has violated the CWA by operating its sewage treatment plant in a manner which discharges pollutants to the waters of the United States

and waters of the state in violation of its NPSES Permit, and by failure to operate its collection system so as to avoid overflows.

24. The violations set forth in the paragraphs above and the March Notice are continuing and ongoing, or are likely to recur, as of the date this Complaint is being filed.

COUNT ONE
FAILURE TO AVOID OVERFLOWS IN VIOLATION OF AN NPDES PERMIT
AND THE CLEAN WATER ACT

25. Riverkeeper hereby repeats, re-alleges, adopts, and incorporates by reference the paragraphs above as if fully set out in this count.

26. Manchester is in violation of provisions of its NPDES Permit by failing to operate its collection system so as to avoid overflows. The permit specifically prohibits overflows and places a duty upon Manchester to avoid overflows. *See*, Permit §2.3.3. Overflows in violation of the Permit have been reported to the TDEC on at least the occasions shown in **Appendix A**. This list shows three hundred thirty-six (336) violations within the past five years and over thirty-three million nine hundred thirty thousand five hundred ninety-five (33,930,595) gallons of untreated sewage released into the environment. In addition, EPA records show thirty (30) sanitary sewer overflows (SSO) in January, 2020 and twenty-six (26) SSOs in February 2020.

27. The violations set out in this count are continuing and ongoing and there is a reasonable likelihood that Defendant will continue these or similar violations in the future.

28. These violations have an adverse impact on waters of the United States and waters of the state, specifically of Duck River, a tributary of the Tennessee River, and on the recreational, aesthetic, and environmental interests of Riverkeeper's members in those waterways as set out in paragraphs 11 and 12 herein above.

29. Defendant Manchester should be subject to an enforcement order or injunction ordering it to fully comply with all requirements of its NPDES Permit and the CWA.

30. Defendant Manchester should be subject to the assessment of civil penalties for these violations of the CWA pursuant to Section 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365. For the purpose of assessing the maximum penalty which Defendant Manchester is liable, each day that the Manchester sewage treatment plant has discharged pollutants in violation of its NPDES Permit and/or without a permit authorizing such discharges constitutes a separate violation of Section 301(a) of the CWA, pursuant to Section 309(d), 33 U.S.C. § 1319(d).

COUNT TWO
FAILURE TO IMPOSE A MORATORIUM FOR CHRONIC OVERFLOW POINTS
IN VIOLATION OF AN NPDES PERMIT

31. Riverkeeper hereby repeats, re-alleges, adopts, and incorporates by reference the paragraphs above as if fully set out in this count.

32. Manchester is in violation of Section 2.3.3.d. of the Permit for failure to impose a moratorium on new sewer connections upstream of any location that has experienced chronic overflows.

33. The permit states, in part: “No new or additional flows shall be added upstream of any point in the collection or transmission system that experiences greater than 5 sanitary sewer overflows and/or releases per year or would otherwise overload any portion of the system.” *Permit* §2.3.3.d.

34. Chronic overflows are defined as greater than five overflow events in a year. Manchester has violated its Permit and the CWA by experiencing chronic overflows without imposing a

moratorium on new connections on at least the points or locations set out in **Appendix B**, as more fully explained in the following paragraphs.

35. Manhole A-36, Johnny Brown, has incurred Twenty-three (23) overflow violations between March 11, 2015 and December 29, 2019. Chronic overflows have occurred at numerous times during this period and the public record shows no instance of any moratorium being observed or of the requirement being lifted by TDEC. In the twelve months prior to December 29, 2019 there were fourteen (14) overflows at this lift station, more than enough to require the issuance of a moratorium. In the twelve months following March 11, 2015 there were eight overflows at this point and a moratorium should have been self-imposed and observed after the sixth, which occurred on January 26, 2016.

36. Manhole A-37, Johnny Brown, has incurred twelve (12) overflows from December 25, 2015 to December 16, 2019. During the twelve months following February 28, 2018 there were six overflows and a moratorium should have been imposed after the January 23, 2019 overflow event.

37. Manhole A-41 105, Moore St, incurred nineteen (19) overflows from November 18, 2015 to December 23, 2019. During the twelve months following the February 28, 2018 overflow there were seven (7) overflows and a moratorium should have been imposed after the February 17, 2009 event. Alternately, a moratorium would have been required after each of the February 19, April 8, July 11, July 17 or October 31, 2019 events.

38. Manhole A-45, Spring St, incurred fourteen overflows from March 11, 2015 to April 8, 2019. During the twelve months prior to January 22, 2016 there were six (6) overflows and a moratorium should have been imposed. Alternately, a moratorium would have been required

after each of the January 26 or February 3, 2016 events.

39. Manhole B-43, Fred Deadman Park, incurred twenty-seven (27) overflows from March 11, 2015 to April 8, 2019. During the twelve months prior to the January 26, 2015 event there were six (6) overflows and a moratorium should have been imposed. Alternately, a moratorium would have been required after each of the events of February 3, February 15, February 24, November 30, December 6, 2016, or January 23, 2017, or after any of the fourteen events after January 23, 2017.

40. Manhole E-42, Timbercrest, incurred eighteen (18) overflows from March 11, 2015 to December 29, 2019. During the twelve months prior to November 30, 2016 there were six (6) overflows and a moratorium should have been imposed. Alternatively, a moratorium would have been required after each of the eleven (11) events from December 6, 2016 to December 29, 2019.

41. Manhole G-11, Cumberland Presbyterian Church, incurred twenty (20) overflows from November 29, 2015 to December 20, 2019. During the twelve months prior to December 5, 2017 there were six (6) overflows and a moratorium should have been imposed. Alternatively, a moratorium would have been required after each of the twelve (12) events from February 10, 2018 to December 14, 2018.

42. Manhole G-74, McAurthur, incurred nine (9) overflows from September 26, 2018 to December 23, 2019. During the twelve months prior to April 8, 2019 there were six (6) overflows and a moratorium should have been imposed. Alternatively, a moratorium would have been required after each of the three (3) events from July 11 to December 23, 2019.

43. Manhole I-141, Skinner Flatt, incurred sixty-three (63) overflows from June 1, 2015 to December 29, 2019. During the twelve months prior to January 26, 2016 there were six (6)

overflows and a moratorium should have been imposed. Alternatively, a moratorium would have been required after each of the fifty-five (55) events from February 3, 2016 to February 22, 2018.

44. The above demonstrates at least nine (9) points and/or locations where a moratorium was triggered but no moratorium was imposed.

45. The permit requires the moratorium to remain in place until specific actions have been taken. The permit states as follows:

“Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic overflow or release point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the environmental engineering field and reported in an attachment to a Monthly Operating Report submitted to the local TDEC Environmental Field Office. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.”

Permit §2.3.3.d.

46. The above requirements for relief from the required moratoriums have not been satisfied.

47. A search of the Monthly Operating Reports submitted to TDEC by Manchester during the years 2015 through 2019 found no inflow and infiltration reduction measurements.

48. Manchester has added new or additional flows upstream of a point or points in the collection or transmission system that have experienced greater than five sanitary sewer overflows and/or releases per year or would otherwise overload any portion of the system in violation of its permit requirements. This factual contention will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

49. These violations have an adverse impact on waters of the United States and waters of the state, specifically Duck River and Tennessee River, and on the recreational, aesthetic, and environmental interests of Riverkeeper's members in those waterways as set out in paragraphs 11 and 12 herein above.

50. Defendant Manchester should be subject to an enforcement order or injunction ordering it to fully comply with all requirements of its NPDES Permit and the CWA.

51. Defendant Manchester should be subject to the assessment of civil penalties for these violations of the CWA pursuant to Section 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365. For the purpose of assessing the maximum penalty which Defendant Manchester is liable, each day that the Manchester sewage treatment plant has discharged pollutants in violation of its NPDES Permit and/or without a permit authorizing such discharges constitutes a separate violation of Section 301(a) of the CWA, pursuant to Section 309(d), 33 U.S.C. § 1319(d).

**COUNT THREE
INJUNCTIVE RELIEF**

52. Riverkeeper hereby repeats, re-alleges, adopts, and incorporates by reference the paragraphs above as if fully set out in this count.

53. The violations set out herein will continue unless this Court enjoins Defendant from continuing to violate its permit.

54. These violations have caused irreparable injury to some of Riverkeeper's members. Riverkeeper has no adequate remedy at law for the injuries caused to its members by Defendant's ongoing violations in that Riverkeeper would be forced to bring repeated and burdensome actions for each new injury to its interests if Defendant's ongoing violations are not enjoined.

55. An injunction will be in the public's interest in this case. Because Defendant is in continuing violation of the law, the equities for an injunction weigh in Riverkeeper's favor.

56. Therefore, Riverkeeper brings this cause of action to enjoin Defendant from engaging in any other affirmative act or conduct which would contribute to further permit violations.

PRAYER FOR RELIEF

WHEREFORE, Riverkeeper respectfully requests that the Court grant the following relief:

- a. Plaintiff Riverkeeper requests the Court render a judgment finding and declaring that Defendant Manchester has violated and is in violation of the CWA, 33 U.S.C. §1311(a), and Tennessee NPDES rules;
- b. Plaintiff Riverkeeper requests and petitions this Court to enjoin the violations and any and all illegal conduct by Defendant set out and alleged in Counts One and Two above and issue an injunction compelling Defendant to remedy the illegal discharges of pollutants into waters of the United States;
- c. Plaintiff Riverkeeper requests and petitions this Court to assess a \$37,500.00 (thirty-seven thousand, five hundred dollars) civil penalty (*see* 40 CFR § 19) against Defendant Manchester for each violation and each day of continuing violation of the CWA for which Defendant is found liable pursuant to Sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a);
- d. Plaintiff Riverkeeper requests and petitions this Court for an award of litigation costs, including reasonable attorney's fees and expert fees, as authorized by 33 U.S.C. § 1365(d); and

e. For such other, further or more general relief as this Court may deem appropriate.

Respectfully submitted this the 9th day of July, 2020.

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Appendix A

Manchester, NPDES Permit # TN0025038, Overflows			
Start Date		Est. Quantity in gallons	Location of Discharge
12/3/2019		51,000	McMinnville Hwy E-10
12/1/2019		12,000	McMinnville Hwy E-10
12/10/2019		36,000	McMinnville Hwy E-10
12/13/2019		2,000	West End Circle L 50
12/16/2019		4,800	A-41
12/16/2019		18,000	A 37 J.B.
12/23/2019		42,000	J. Brown A-36
12/23/2019		21,000	Skinner Flat I-141
12/23/2019		8,400	McAuthur G-74
12/23/2019		21,000	105 Moore A-41
12/23/2019		21,000	A-43 Spring
12/29/2019		69,000	J. Brown A-36
12/29/2019		34,500	Skinner Flat I-141
12/29/2019		138,800	Timber E42
11/20/2019		11,250	McMinnville Hwy E-10
11/21/2019		240,000	McMinnville Hwy E-10
11/23/2019		36,000	J. Brown A-36
11/23/2019		18,000	Skinner Flat I-141
11/23/2019		3,600	McAuthur G-74
11/23/2019		18,000	105 Moore A-41
10/31/2019		4,800	A-43
10/31/2019		18,000	A 37 J.B.
10/31/2019		9,000	Skinner Flat I-141
10/31/2019		18,000	A 41
8/7/2019		9,000	J. Brown A-36
8/7/2019		3,600	J. Brown A-36
7/11/2019		9,750	J. Brown A-36
7/11/2019		9,750	Skinner Flat I-141
7/11/2019		1,950	McAuthur G-74
7/11/2019		4,875	Skinner Flat I-141
7/11/2019		4,875	105 Moore A-41
7/17/2019		2,400	J. Brown A-36
7/17/2019		6,000	105 Moore A-41
4/8/2019		10,500	J. Brown A-36
4/8/2019		10,500	J. Brown A-36
4/8/2019		4,200	McAurhur G-74
4/8/2019		4,200	I-24 E.B. H76
4/8/2019		4,200	105 Moore A-41
4/8/2019		10,500	F.D. Park B-43
4/8/2019		10,500	Spring St A-45

4/8/2019	10,500	Skinner Flat I-141
4/8/2019	10,500	Ester Ln I-87
4/8/2019	4,200	10 Yd Lift Sta
3/10/2019	18,000	J. Brown A-36
3/10/2019	7,200	Skinner Flat I-141
3/10/2019	7,200	Ester Ln I-87
2/12/2019	96,000	J. Brown A-36
2/12/2019	96,000	Skinner Flat I-141
2/12/2019	9,600	McAuthur G-74
2/16/2019	27,000	J. Brown A-36
2/17/2019	91,500	J. Brown A-36
2/17/2019	45,750	Skinner Flat I-141
2/17/2019	15,900	McAuthur G-74
2/17/2019	15,900	Skinner Flat I-141
2/17/2019	15,900	105 Moore A-41
2/17/2019	15,900	F.D. Park B-43
2/19/2019	86,400	J. Brown A-36
2/19/2019	86,400	Skinner Flat I-141
2/19/2019	86,400	McAuthur G-74
2/19/2019	86,400	Skinner Flat I-141
2/19/2019	86,400	105 Moore A-41
2/19/2019	86,400	F.D. Park B-43
2/19/2019	86,400	Spring St A-45
2/19/2019	86,400	Skinner Flat I-141
2/19/2019	86,400	Ester Ln I-87
2/22/2019	7,500	Spring St A-45
2/23/2019	1,800	Hwy 41 N B-79
2/23/2019	12,000	10 Yd Lift Sta
1/3/2019	126,000	Skinner Flat I-141
1/3/2019	1,071,000	A 37 J.B.
1/3/2019	162,000	I 89 Skinner Flat
1/3/2019	630,000	H-6 I-24 East B.
1/3/2019	111,000	J-6
1/3/2019	222,000	G-112
1/3/2019	55,000	A-41
1/3/2019	55,000	A-45
1/3/2019	55,000	B-43
1/19/2019	13,800	B-45
1/19/2019	138,000	A-37 J.B.
1/19/2019	13,800	I 89 Skinner Flat
1/19/2019	13,800	A-41
1/19/2019	13,800	I-90
1/23/2019	48,000	A 37 J.B.
1/23/2019	96,000	I 89 Skinner Flat
1/23/2019	24,000	A-41
1/23/2019	9,600	G-74
1/23/2019	9,600	B-43

12/20/2019	375,000	G 11 Cumberland C.P.C.
12/17/2018	36,000	I 141 Skinner Flatt
12/14/2018	153,000	G 11 Cumberland C.P.C.
12/14/2018	18,000	ZG 112 Bryan Trailer Park
12/14/2018	153,000	H-6 I-24 East B.9
12/8/2018	138,000	I 141 Skinner Flatt
12/8/2018	345,000	G 11 Cumberland C.P.C.
12/1/2018	138,000	I 141 Skinner Flatt
12/1/2018	345,000	G 11 Cumberland C.P.C.
12/1/2018	69,000	ZG 112 Bryan Trailer Park
11/6/2018	9,000	A 37 Johnny Brown
11/6/2018	36,000	G 11 Cumberland C.P.C.
11/6/2018	9,000	H-6 I-24 East B.
11/6/2018	36,000	I 141 Skinner Flatt
11/6/2018	9,000	ZG 112 Bryan Trailer Park
9/26/2018	15,000	F.D. Park B-43
9/26/2018	60,000	I 141 Skinner Flatt
9/26/2018	6,000	Timbercreast E-42
9/26/2018	30,000	105 Moore A-41
9/26/2018	150,000	C.P. Church G-11
9/26/2018	60,000	Johnny Brown A-37
9/26/2018	225,000	i-24 East H75
9/26/2018	15,000	A-45 Spring St bridge
9/26/2018	6,000	I-85
9/26/2018	30,000	G 112
9/26/2018	6,000	G 87
9/26/2018	15,000	G 74
7/2/2018	38,400	West End Pumping Station
5/7/2018	75,000	G.P. Church G-11
4/22/2018	34,500	F.D. Park B-43
4/22/2018	40,500	I-141 Skinner Flatt
4/22/2018	34,500	Timbercreast E-42
4/22/2018	138,000	C.P. Church G-11
4/6/2018	4,200	F.D. Park B-43
4/6/2018	4,200	I-141 Skinner Flatt
4/6/2018	4,200	Timbercreast E-42
4/6/2018	42,000	C.P. Church G-11
2/28/2018	123,000	Ten Yard Bridge
2/28/2018	246,000	B-174 Woodland
2/28/2018	246,000	B-43 Deadman
2/28/2018	246,000	A-45 Spring St bridge
2/28/2018	615,000	A-37 Johnny Brown
2/28/2018	246,000	A 41 105 Moore st
2/28/2018	246,000	C.P. Church G-11
2/28/2018	246,000	Timbercreast E-42
2/28/2018	123,000	I-141 Skinner Flatt
2/28/2018	246,000	I-87 Easter Ln

2/28/2018	246,000	H-6 I-24 East B
2/28/2018	24,600	E-40 Emerson
2/28/2018	246,000	J-2 River Stillwood
2/28/2018	246,000	J-6 Vent Stillwood
2/25/2018	198,000	F.D. Park B-43
2/25/2018	132,000	Skinner Flat I-141
2/25/2018	198,000	Timbercreast E-42
2/25/2018	48,000	C.P. Church G-11
2/25/2018	48,000	Skinner Flat I-141
2/25/2018	26,400	I-87 Easter Ln
2/22/2018	48,000	F.D. Park B-43
2/22/2018	48,000	Skinner Flat I-141
2/22/2018	48,000	Timbercreast E-42
2/22/2018	48,000	I-89 Ester Lane
2/22/2018	48,000	C.P. Church G-11
2/22/2018	48,000	Skinner Flat I-141
2/22/2018	48,000	i-24 East H75
2/22/2018	4,800	I-87 Easter Ln
2/10/2018	216,000	F.D. Park B-43
2/10/2018	216,000	Skinner Flat I-141
2/10/2018	216,000	Timbercreast E-42
2/10/2018	3,600	I-89 Ester Lane
2/10/2018	540,000	C.P. Church G-11
2/10/2018	21,600	Skinner Flat I-141
2/10/2018	90,000	i-24 East H75
2/7/2018	39,000	F.D. Park B-43
2/7/2018	19,500	Skinner Flat I-141
2/7/2018	78,000	Timbercreast E-42
12/12/2017	48,000	C.P. Church G-47
12/12/2017	24,000	Skinner Flat I-141
12/22/2017	285,000	C.P. Church G-47
12/23/2017	42,000	Skinner Flat I-141
12/19/2017	300,000	C.P. Church G-47
12/19/2017	300,000	Skinner Flat I-141
12/5/2017	510,000	C.P. Church G-11
12/5/2017	300,000	Skinner Flat I-141
10/12/2017	600	E-7
10/23/2017	158,400	C.P. Church G-11
10/23/2017	120,000	I-141 Skinner Flatt
10/23/2017	158,400	C.P. Church G-11
10/23/2017	120,000	Skinner Flat I-141
10/12/2017	600	E-7
9/5/2017	60,000	I-141 Skinner Flatt
8/7/2017	60,000	I-141 Skinner Flatt
7/24/2017	90,000	I-141 Skinner Flatt
7/5/2017	132,600	I-141 Skinner Flatt
7/6/2017	81,600	C.P. Church G-11

7/6/2017	81,600	I-141 Skinner Flatt
6/22/2017	18,000	I-141 Skinner Flatt
6/22/2017	18,000	C.P. Church G-47
5/31/2017		Overflow report not found at TDEC
4/22/2017	81,000	I-141 Skinner Flatt
4/22/2017	81,000	F.D. Park B-43
4/22/2017	81,000	C.P. Church G-47
5/4/2017	9,000	I-141 Skinner Flatt
4/2/2017	27,000	I-141 Skinner Flatt
4/3/2017	135,000	C.P. Church G-47
3/27/2017	8,100	I-141 Skinner Flatt
3/27/2017	20,250	E-161 Timber Crest
3/21/2017	51,000	I-89 Ester Lane
3/1/2017	77,045	C.P. Church G-47
3/10/2017	140,250	A-7
3/10/2017	140,250	A-6
3/10/2017	140,250	A-5
3/10/2017	140,250	A-4
3/10/2017	45,000	I-141 Skinner Flatt
1/23/2017	210,000	F.D. Park B-43
1/23/2017	210,000	C.P. Church G-47
1/23/2017	357,000	Timbercreast E-42
1/23/2017	210,000	Skinner Flat I-141
1/19/2017	42,000	I-90
1/19/2017	21,000	I-141 Skinner Flatt
12/19/2016	300,000	C.P. Church G-47
12/19/2016	300,000	I-141 Skinner Flatt
12/12/2016	48,000	C.P. Church G-47
12/12/2016	24,000	I-141 Skinner Flatt
12/6/2016	48,000	C.P. Church G-47
12/6/2016	180,000	I-141 Skinner Flatt
12/6/2016	81,600	Timbercreast E-42
12/6/2016	120,000	F.D. Park B-43
11/30/2016	90,000	Duncan st B-71
11/30/2016	9,000	Woodland St field B-58
11/30/2016	9,000	Hwy 41 under bridge B-66
11/30/2016	120,000	Fred Deabury Park B-43
11/30/2016	4,500	105 Moore A-43
11/30/2016	1,800	Johnny Brown A-36
11/30/2016	24,000	Cumberland presbyterian g-74
11/30/2016	9,000	Timbercreast E-42
11/30/2016	33,660	Skinner Flat I-141
11/30/2016	1,800	I-24 East H6-c
7/9/2016	60,000	Pumping station B-12
6/2/2016	61,200	M-9
5/21/2016	400,000	7-11 Pumping station
5/16/2016	79,200	M-9

3/31/2016	15,000	Timbercrest E-42
3/31/2016	7,500	Deadwood Park B-43
3/31/2016	7,500	Skinner Flat I-141
2/24/2016	165,000	B-43 Deadman Park
2/24/2016	33,000	A-36 Johnny Brown
2/24/2016	6,600	A-37 Johnny Brown
2/24/2016	165,000	A-41 105 Moore st
2/24/2016	165,000	E-42 Timbercrest
2/24/2016	300,000	H-24 I-24 West
2/24/2016	102,000	I-141 Skinner Flatt
2/24/2016	51,000	I-97 Ester Lane
2/24/2016	33,000	J-2 River Stillwood
2/24/2016	66,000	J-6 Vent Stillwood
2/15/2016	28,500	B-43 Deadwood Park
2/15/2016	28,500	A-36 Johnny Brown
2/15/2016	11,400	A-37 Johnny Brown
2/15/2016	28,500	G-91 Madison Street
2/15/2016	484,500	E-42 Timbercrest
2/15/2016	427,500	H-24 I-24 West
2/15/2016	114,000	I-141 Skinner Flatt
2/15/2016	114,000	J-2 River Stillwood
2/15/2016	114,000	J-6 Vent Stillwood
2/3/2016	54,000	Ten Yard Bridge
2/3/2016	183,600	B-43 Fred Deadman Park
2/3/2016	108,000	A-45 Spring St bridge
2/3/2016	270,000	A-36 Johnny Brown
2/3/2016	10,800	A-37 Johnny Brown
2/3/2016	54,000	A-41 105 Moore st
2/3/2016	270,000	G-11 Cumberland Pres Church
2/3/2016	270,000	H-24 I-24 West
2/3/2016	2,700	H-6 I-24 East
2/3/2016	108,000	I-141 Skinner Flatt
2/3/2016	27,000	J-86 Ester Lane
2/3/2016	54,000	J-6 Vent Stillwood
2/3/2016	270,000	J-3 Stillwood
1/26/2016	122,400	B-43 Deadwood Park
1/26/2016	18,000	A-45 Spring St bridge
1/26/2016	36,000	A-36 Johnny Brown
1/26/2016	122,400	G-11 Cumberland Pres Church
1/26/2016	180,000	E-42 Timbercrest
1/26/2016	180,000	H-6 I-24 East
1/26/2016	36,000	H-24 I-24 West
1/26/2016	72,000	I-141 Skinner Flatt
1/26/2016	18,000	I-87 Easter Ln
1/26/2016	18,000	J-1 Alwhite motors
1/26/2016	72,000	J-2 River Stillwood
1/22/2016	180,000	B-43 Fred Deadman Park

1/22/2016	720,000	A-45 Spring St bridge
1/22/2016	180,000	A-36 Johnny Brown
1/22/2016	720,000	A-41 105 Moore st
1/22/2016	36,000	G-91 Madison Street
1/22/2016	180,000	E-42 Timbercrest
1/22/2016	306,000	H-24 I-24 West
1/22/2016	7,200	H-6 I-24 East
1/22/2016	504,000	I-141 Skinner Flatt
1/22/2016	18,000	I-87 Easter Ln
1/22/2016	7,200	J-2 River Stillwood
1/22/2016	7,200	J-6 Vent Stillwood
12/25/2015	9,000	West End Pumping Station
12/25/2015	18,000	I-169 willis Property
12/25/2015	9,000	B- 10 yard bridge
12/25/2015	18,000	A-45 Spring St bridge
12/25/2015	18,000	A-36 Johnny Brown
12/25/2015	18,000	A-37 Johnny Brown
12/25/2015	36,000	A-45 Spring St bridge
12/25/2015	36,000	G-91 Madison Street
12/25/2015	36,000	H-24 I-24 West
12/25/2015	36,000	I-89 Ester Lane
12/25/2015	36,000	I-90 Stinner Flatt
12/25/2015	18,000	I-88 Ester Lane/Stinner Flatt
12/25/2015	18,000	I-87 Easter Ln
12/25/2015	18,000	J-1 Alwhite motors
12/25/2015	18,000	J-6 Vent Stillwood
12/17/2015	7,200	I-141 Skinner Flatt
12/17/2015	165,000	H-24 I-24 West
11/29/2015	222,000	B-43 Deadman Park
11/29/2015	222,000	A-45 Spring St bridge
11/29/2015	22,000	G-11 Cumberland Pres Church
11/29/2015	22,000	I-89 Ester Lane
11/29/2015	732,600	I-141 Skinner Flatt
11/29/2015	595,000	J-1 Alwhite motors
11/29/2015	555,000	J-6 Vent Stillwood
11/29/2015	55,000	G-91 Madison Street
11/29/2015	555,000	H-24 I-24 West
11/18/2015	6,600	B-174 Woodland
11/18/2015	6,600	B-43 Deadman Park
11/18/2015	6,600	A-36 Johnny Brown
11/18/2015	6,600	A-41 105 Moore st
11/18/2015	33,000	G-91 Madison Street
11/18/2015	165,000	H-24 I-24 West
11/18/2015	165,000	I-141 Skinner Flatt
9/1/2015	2,600	I-24 West
6/1/2015	3,600	I-141 Skinner Flatt
4/20/2015	5,400	G-87 Madison Lane

4/20/2015	8,640	J-6 Vent Stillwood
4/20/2015	5,400	I-89 Ester Lane
4/20/2015	13,500	H-6 I-24 East
4/20/2015	54,000	H-24 I-24 West
4/6/2015	48,000	B-43 Deadman Park
4/6/2015	48,000	A-45 Spring St bridge
4/6/2015	48,000	H-24 I-24 West
3/11/2015	30,000	B-43 Fred Deadman Park
3/11/2015	60,000	A-45 Spring St bridge
3/11/2015	60,000	A-36 Johnny Brown
3/11/2015	300,000	H-24 I-24 West
3/11/2015	204,000	I-87 Easter Ln
3/11/2015	300,000	E-42 Timbercrest
3/5/2015	12,000	L-22
3/5/2015	18,000	G-95
	33,930,595	

Appendix B

Manchester, NPDES Permit # TN0025038, Chronic Overflows				
Start Date		Est. Quantity in gallons		Location of Discharge
12/29/2019		69,000		A-36 Johnny Brown
12/23/2019		42,000		A-36 Johnny Brown
11/23/2019		36,000		A-36 Johnny Brown
8/7/2019		9,000		A-36 Johnny Brown
8/7/2019		3,600		A-36 Johnny Brown
7/17/2019		2,400		A-36 Johnny Brown
7/11/2019		9,750		A-36 Johnny Brown
4/8/2019		10,500		A-36 Johnny Brown
4/8/2019		10,500		A-36 Johnny Brown
3/10/2019		18,000		A-36 Johnny Brown
2/19/2019		86,400		A-36 Johnny Brown
2/17/2019		91,500		A-36 Johnny Brown
2/16/2019		27,000		A-36 Johnny Brown
2/12/2019		96,000		A-36 Johnny Brown
11/30/2016		1,800		A-36 Johnny Brown
2/24/2016		33,000		A-36 Johnny Brown
2/15/2016		28,500		A-36 Johnny Brown
2/3/2016		270,000		A-36 Johnny Brown
1/26/2016		36,000		A-36 Johnny Brown
1/22/2016		180,000		A-36 Johnny Brown
12/25/2015		18,000		A-36 Johnny Brown
11/18/2015		6,600		A-36 Johnny Brown
3/11/2015		60,000		A-36 Johnny Brown
12/16/2019		18,000		A-37 Johnny Brown
10/31/2019		18,000		A-37 Johnny Brown
1/23/2019		48,000		A-37 Johnny Brown
1/19/2019		138,000		A-37 Johnny Brown
1/3/2019		1,071,000		A-37 Johnny Brown
11/6/2018		9,000		A-37 Johnny Brown
9/26/2018		60,000		A-37 Johnny Brown
2/28/2018		615,000		A-37 Johnny Brown
2/24/2016		6,600		A-37 Johnny Brown
2/15/2016		11,400		A-37 Johnny Brown
2/3/2016		10,800		A-37 Johnny Brown
12/25/2015		18,000		A-37 Johnny Brown
12/23/2019		21,000		A-41 105 Moore st
12/16/2019		4,800		A-41 105 Moore st
11/23/2019		18,000		A-41 105 Moore st

10/31/2019	18,000	A-41 105 Moore st
7/17/2019	6,000	A-41 105 Moore st
7/11/2019	4,875	A-41 105 Moore st
4/8/2019	4,200	A-41 105 Moore st
2/19/2019	86,400	A-41 105 Moore st
2/17/2019	15,900	A-41 105 Moore st
1/23/2019	24,000	A-41 105 Moore st
1/19/2019	13,800	A-41 105 Moore st
1/3/2019	55,000	A-41 105 Moore st
9/26/2018	30,000	A-41 105 Moore st
2/28/2018	246,000	A-41 105 Moore st
11/30/2016	4,500	A-41 105 Moore st
2/24/2016	165,000	A-41 105 Moore st
2/3/2016	54,000	A-41 105 Moore st
1/22/2016	720,000	A-41 105 Moore st
11/18/2015	6,600	A-41 105 Moore st
4/8/2019	10,500	A-45 Spring St
2/22/2019	7,500	A-45 Spring St
2/19/2019	86,400	A-45 Spring St
1/3/2019	55,000	A-45 Spring St bridge
9/26/2018	15,000	A-45 Spring St bridge
2/28/2018	246,000	A-45 Spring St bridge
2/3/2016	108,000	A-45 Spring St bridge
1/26/2016	18,000	A-45 Spring St bridge
1/22/2016	720,000	A-45 Spring St bridge
12/25/2015	18,000	A-45 Spring St bridge
12/25/2015	36,000	A-45 Spring St bridge
11/29/2015	222,000	A-45 Spring St bridge
4/6/2015	48,000	A-45 Spring St bridge
3/11/2015	60,000	A-45 Spring St bridge
4/8/2019	10,500	B-43 Fred Deadman Park
2/19/2019	86,400	B-43 Fred Deadman Park
2/17/2019	15,900	B-43 Fred Deadman Park
1/23/2019	9,600	B-43 Fred Deadman Park
1/3/2019	55,000	B-43 Fred Deadman Park
9/26/2018	15,000	B-43 Fred Deadman Park
4/22/2018	34,500	B-43 Fred Deadman Park
4/6/2018	4,200	B-43 Fred Deadman Park
2/28/2018	246,000	B-43 Fred Deadman Park
2/25/2018	198,000	B-43 Fred Deadman Park
2/22/2018	48,000	B-43 Fred Deadman Park
2/10/2018	216,000	B-43 Fred Deadman Park
2/7/2018	39,000	B-43 Fred Deadman Park
4/22/2017	81,000	B-43 Fred Deadman Park
1/23/2017	210,000	B-43 Fred Deadman Park

12/6/2016	120,000	B-43 Fred Deadman Park
11/30/2016	120,000	B-43 Fred Deadman Park
3/31/2016	7,500	B-43 Fred Deadman Park
2/24/2016	165,000	B-43 Fred Deadman Park
2/15/2016	28,500	B-43 Fred Deadman Park
2/3/2016	183,600	B-43 Fred Deadman Park
1/26/2016	122,400	B-43 Fred Deadman Park
1/22/2016	180,000	B-43 Fred Deadman Park
11/29/2015	222,000	B-43 Fred Deadman Park
11/18/2015	6,600	B-43 Fred Deadman Park
4/6/2015	48,000	B-43 Fred Deadman Park
3/11/2015	30,000	B-43 Fred Deadman Park
12/29/2019	138,800	E-42 Timbercrest
9/26/2018	6,000	E-42 Timbercrest
4/22/2018	34,500	E-42 Timbercrest
4/6/2018	4,200	E-42 Timbercrest
2/28/2018	246,000	E-42 Timbercrest
2/25/2018	198,000	E-42 Timbercrest
2/22/2018	48,000	E-42 Timbercrest
2/10/2018	216,000	E-42 Timbercrest
2/7/2018	78,000	E-42 Timbercrest
1/23/2017	357,000	E-42 Timbercrest
12/6/2016	81,600	E-42 Timbercrest
11/30/2016	9,000	E-42 Timbercrest
3/31/2016	15,000	E-42 Timbercrest
2/24/2016	165,000	E-42 Timbercrest
2/15/2016	484,500	E-42 Timbercrest
1/26/2016	180,000	E-42 Timbercrest
1/22/2016	180,000	E-42 Timbercrest
3/11/2015	300,000	E-42 Timbercrest
12/20/2019	375,000	G-11 Cumberland Pres Church
12/14/2018	153,000	G-11 Cumberland Pres Church
12/8/2018	345,000	G-11 Cumberland Pres Church
12/1/2018	345,000	G-11 Cumberland Pres Church
11/6/2018	36,000	G-11 Cumberland Pres Church
9/26/2018	150,000	G-11 Cumberland Pres Church
5/7/2018	75,000	G-11 Cumberland Pres Church
4/22/2018	138,000	G-11 Cumberland Pres Church
4/6/2018	42,000	G-11 Cumberland Pres Church
2/28/2018	246,000	G-11 Cumberland Pres Church
2/25/2018	48,000	G-11 Cumberland Pres Church
2/22/2018	48,000	G-11 Cumberland Pres Church
2/10/2018	540,000	G-11 Cumberland Pres Church
12/5/2017	510,000	G-11 Cumberland Pres Church
10/23/2017	158,400	G-11 Cumberland Pres Church

10/23/2017	158,400	G-11 Cumberland Pres Church
7/6/2017	81,600	G-11 Cumberland Pres Church
2/3/2016	270,000	G-11 Cumberland Pres Church
1/26/2016	122,400	G-11 Cumberland Pres Church
11/29/2015	22,000	G-11 Cumberland Pres Church
12/23/2019	8,400	G-74 McAurthur
11/23/2019	3,600	G-74 McAurthur
7/11/2019	1,950	G-74 McAurthur
4/8/2019	4,200	G-74 McAurthur
2/19/2019	86,400	G-74 McAurthur
2/17/2019	15,900	G-74 McAurthur
2/12/2019	9,600	G-74 McAurthur
1/23/2019	9,600	G-74 McAurthur
9/26/2018	15,000	G-74 McAurthur
12/29/2019	34,500	I-141 Skinner Flatt
12/23/2019	21,000	I-141 Skinner Flatt
11/23/2019	18,000	I-141 Skinner Flatt
10/31/2019	9,000	I-141 Skinner Flatt
7/11/2019	9,750	I-141 Skinner Flatt
7/11/2019	4,875	I-141 Skinner Flatt
4/8/2019	10,500	I-141 Skinner Flatt
3/10/2019	7,200	I-141 Skinner Flatt
2/19/2019	86,400	I-141 Skinner Flatt
2/19/2019	86,400	I-141 Skinner Flatt
2/19/2019	86,400	I-141 Skinner Flatt
2/17/2019	45,750	I-141 Skinner Flatt
2/17/2019	15,900	I-141 Skinner Flatt
2/12/2019	96,000	I-141 Skinner Flatt
1/3/2019	126,000	I-141 Skinner Flatt
12/17/2018	36,000	I-141 Skinner Flatt
12/8/2018	138,000	I-141 Skinner Flatt
12/1/2018	138,000	I-141 Skinner Flatt
11/6/2018	36,000	I-141 Skinner Flatt
9/26/2018	60,000	I-141 Skinner Flatt
4/22/2018	40,500	I-141 Skinner Flatt
4/6/2018	4,200	I-141 Skinner Flatt
2/28/2018	123,000	I-141 Skinner Flatt
2/25/2018	132,000	I-141 Skinner Flatt
2/25/2018	48,000	I-141 Skinner Flatt
2/22/2018	48,000	I-141 Skinner Flatt
2/22/2018	48,000	I-141 Skinner Flatt
2/10/2018	216,000	I-141 Skinner Flatt
2/10/2018	21,600	I-141 Skinner Flatt
2/7/2018	19,500	I-141 Skinner Flatt
12/23/2017	42,000	I-141 Skinner Flatt

12/19/2017	300,000	I-141 Skinner Flatt
12/12/2017	24,000	I-141 Skinner Flatt
12/5/2017	300,000	I-141 Skinner Flatt
10/23/2017	120,000	I-141 Skinner Flatt
10/23/2017	120,000	I-141 Skinner Flatt
9/5/2017	60,000	I-141 Skinner Flatt
8/7/2017	60,000	I-141 Skinner Flatt
7/24/2017	90,000	I-141 Skinner Flatt
7/6/2017	81,600	I-141 Skinner Flatt
7/5/2017	132,600	I-141 Skinner Flatt
6/22/2017	18,000	I-141 Skinner Flatt
5/4/2017	9,000	I-141 Skinner Flatt
4/22/2017	81,000	I-141 Skinner Flatt
4/2/2017	27,000	I-141 Skinner Flatt
3/27/2017	8,100	I-141 Skinner Flatt
3/10/2017	45,000	I-141 Skinner Flatt
1/23/2017	210,000	I-141 Skinner Flatt
1/19/2017	21,000	I-141 Skinner Flatt
12/19/2016	300,000	I-141 Skinner Flatt
12/12/2016	24,000	I-141 Skinner Flatt
12/6/2016	180,000	I-141 Skinner Flatt
11/30/2016	33,660	I-141 Skinner Flatt
3/31/2016	7,500	I-141 Skinner Flatt
2/24/2016	102,000	I-141 Skinner Flatt
2/15/2016	114,000	I-141 Skinner Flatt
2/3/2016	108,000	I-141 Skinner Flatt
1/26/2016	72,000	I-141 Skinner Flatt
1/22/2016	504,000	I-141 Skinner Flatt
12/17/2015	7,200	I-141 Skinner Flatt
11/29/2015	732,600	I-141 Skinner Flatt
11/18/2015	165,000	I-141 Skinner Flatt
6/1/2015	3,600	I-141 Skinner Flatt